

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the Matter of:)	
)	
Request for Review of a)	
Decision of the Universal Service)	CC Docket No. 02-6
Administrator)	
)	
by)	
)	
Chesterfield County Public Schools)	
Chesterfield, VA)	

TO: Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Chesterfield County Public Schools ("Chesterfield" or "CCPS") respectfully requests that the Federal Communications Commission ("FCC" or "Commission") review of a decision of the Administrator of the Universal Service Administrative Company ("USAC") relative to a decision of improperly disbursed funds. This Request for Review is made pursuant to 47 C.F.R. §54.719(a) through (c) of the Commission's rules.¹

¹ 47 C.F.R §54.719 – 54.723

Application Information:

Billing Entity Number:	126544
FCC Form 471 Application Number:	978732
Funding Request Number:	2666989
Administrator's Decision on Appeal:	November 25, 2015

Contact Information:

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USAC DECISION ON IMPROPERLY DISPURSED FUNDS APPEAL

Chesterfield County Public Schools is seeking Review relative to a USAC Administrator's Decision on Appeal, which required CCPS to return dispersed funding in relation to FRN 2666989 stating:

"Services were delivered to an entity that was not approved on an FCC Form 471 and is therefore ineligible to receive discount services. FCC rules state that only eligible entities that make a bona fide request for support are eligible to receive benefits under the program. The following address 6730 (Public) Safety Way Chesterfield, VA is listed on the bills and received internet services but was not listed on the block 4 of 471 #978732. Accordingly, USAC will seek recovery of \$38,973.69 of improperly disbursed funds from the applicant."²

² Notice of Improperly Disbursed Funds Recovery Letter, Exhibit A

STATEMENT IN SUPPORT OF REQUEST FOR REVIEW

A. BACKGROUND FACTS

Chesterfield County Public Schools, located in Chesterfield, Virginia, serves nearly 59,000 students at 63 schools. In FY2014 this district applied for Internet Access service through Form 471 application #978732 listing all school sites and supporting administrative buildings.³ A school division contract with Sprint provided service through a single connection at 6730 Public Safety Way, Chesterfield, VA.⁴ This location is owned and operated by the County of Chesterfield and houses its Information Systems Technology Department (IST). The above referenced address is listed on the school division Sprint bill, as it is the termination point of the Sprint line.⁵

The service in question from Sprint does not provide internet access to the county government or any other entity except those listed on the relevant Form 471. The termination point of the Sprint circuit at 6730 Public Safety Way is merely an interconnection point to the school division's data center at 10101 Courthouse Road. All 63 CCPS schools obtain a portion of their internet service through this circuit. The IST building cannot be counted as an entity for Form 471, as it is not a school or non-instructional facility. USAC defines a non-instructional facility as a school building without classrooms and provides examples as administrative offices and school bus garages.⁶

³ Description of Services Ordered and Certification Form 471, Exhibit B

⁴ Invitation for Bid and Award Contract, Exhibit C

⁵ Sprint Account Summary, Exhibit D

⁶ <http://www.usac.org/sl/applicants/beforeyoubegin/non-instructional-facilities.aspx>

Chesterfield County and Chesterfield County Schools are two separate legal entities within the same political jurisdiction and separate elected boards. Cooperation in the allocation of space and some services take place between the county government and schools.

In 1997, Chesterfield Schools established a wide area network between schools with a central point to access internet services. Space was obtained within the County's IST building, as the school division did not have space for a data center within its administrative building at 9900 Krause Road. The two buildings are adjacent on the county/schools campus.⁷

As the county/schools campus contain many buildings of a sensitive nature, county/schools owned fiber was buried in the late 1990s throughout the area to minimize digging. Facilities on campus include the school and county administrative buildings, three schools, adult and juvenile detention centers, 911 center, police and fire headquarters. All fibers terminated at the IST building. All data services for the campus were originally designed to be terminated at this location.

Chesterfield County Public Schools established its own data center on the campus when an addition was added to the Chesterfield Technical Center at 10101 Courthouse Road. At that point, servers and web filter appliances were installed into

⁷ Chesterfield County Government Complex Map, Exhibit E

this facility. Fiber connects were already in place between the Technical Center and IST. This provided the opportunity to bring internet service from the provider termination point at IST to the new CCPS data center using existing fiber, saving the school division from having additional installation charges from the provider.

DISCUSSION

CCPS brings forward three points that we respectfully request the Commission's consideration in review of this appeal.

ISSUE 1: Whether the termination location of the Sprint circuit is the primary factor in determining whether 6730 Public Safety Way is receiving internet service through FRN 2666989;

The building where the line is terminated is operated by the county government, which has its own internet service from a different provider. There are no users of the Sprint internet service in this building.⁸ A fiber connection carries the service to the other end of the county/school campus to the Chesterfield Technical Center, a CCPS school, where web filtering and web servers are located. All the entities using this internet service are schools or school-related buildings, which are listed on the relevant Form 471. The IST building was never considered an Entity by CCPS because the Internet service being provided by this circuit is not utilized by any occupants of this building.

⁸ Letter from M. Pond, Infrastructure Division Chief, Chesterfield County, IST, Exhibit F

ISSUE 2: The importance of using the least costly option for obtaining internet service is as important as ensuring that the circuit is terminated in a school facility.

County/school owned fiber between 6730 Public Safety Way (IST) and 10101 Courthouse Road (Chesterfield Technical Center) has existed for approximately 20 years. Three different major providers, Verizon, Comcast and Sprint, have a presence in the IST building. All three of these providers have the ability to expand service without physical construction. Putting the termination point at the Technical Center would require new service to be extended by the service provider, including along the property line of a correctional facility. Establishing the service termination point at the IST building was the lowest cost strategy, with no installation charge from Sprint.

ISSUE 3: The campus of the county/schools complex was designed with a shared fiber network that predates the E-Rate program. Consolidated data termination points were part of the original design in order to minimize buried lines and possible accidental damage.

The county/school division owned fiber network provides a cost efficient and well-designed methodology for transporting data across the campus. The design enables services to be separated between school and county buildings

CONCLUSION

Chesterfield County Public Schools use of a termination point at 6730 Public Safety Way was the least costly method of obtaining service to its data center at 10101 Courthouse Road. The termination point at the county's data center, 6730 Public Safety Way, is not receiving

Internet service from the service provider detailed in FRN 2666989. All users of the internet service in question are located at school or school support buildings and are listed on Form 471 #978732. The termination point is used as an interconnection and relocating the service will add cost without bringing a change in service.

The school division will gladly provide any follow-up information requested by the Commission. A network diagram and conformation letter from the county director of information technology has already been submitted to USAC. Since the inception of the E-Rate program, CCPS has strived to follow all rules and regulations. A full onsite audit in 2005 found only minor recordkeeping issues and made no recommendation for the return of funds.

The loss of funding has a significant impact on the ability to provide low cost internet access to the students of Chesterfield County. The school division adopted a 1:1 computer initiative to our middle and high school students and financial and technical resources are highly leveraged.

REQUEST FOR RELIEF

For the foregoing reasons, Chesterfield County Public Schools respectfully, requests that the Commission rescind USACs ruling that the internet service used by the school division is serving an ineligible site and allow funding up to approved levels.

If the commission determines that terminating the service in a non-eligible entity and extending the service through the use of county/schools owned fiber does not meet program rules, the school division respectfully requests the opportunity to obtain E-Rate eligible quotes from the service provider to relocate the termination point to a school building on the campus.

Additionally, CCPS respectfully requests that the current configuration be allowed for FY2014 and FY2015 and that previously approved funding be available for eligible reimbursement application. The school division has already reimbursed USAC for \$38,973.69. The funding commitment for FY2014 is \$51,964.92 and FY2015 total is the same amount.

January 15, 2016

Respectfully Submitted

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